

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BUESCHER, ET AL.

Plaintiffs,

-v-

BRENNTAG NORTH AMERICA, INC., ET
AL.

Defendants.

Case No. 5:20-cv-00147-JMG

PROTECTIVE ORDER REGARDING SETTLEMENT CLASS

MEMBER CONFIDENTIAL INFORMATION

Plaintiffs Bryant Buescher, Clarence Iannine, Claressa Wallace, and Craig Cook (“Plaintiffs”), and Defendants Brenntag North America, Inc., Board of Directors of Brenntag North America, Inc., and Brenntag Investment and Oversight Committee (“Defendants,” and with Plaintiffs, the “Parties”) have stipulated to this Protective Order Regarding Settlement Class Member Confidential Information (“Protective Order”) in connection with the Settlement of this Action. For good cause appearing therefore, the Court **HEREBY ORDERS AS FOLLOWS:**

1. **SCOPE OF PROTECTIVE ORDER.**

The protection of this Protective Order covers any materials containing Settlement Class Member Confidential Information. As used herein, the term “Settlement Class Member Confidential Information” means (1) settlement class members’ last known addresses, (2) settlement class members’ social security numbers; (3) settlement class members’ plan account balances (*i.e.*, financial information); and (4) any compilations, lists, or other materials that are

created from Settlement Class Member Confidential Information, including the Preliminary and Final Lists of settlement class members.¹

2. USE OF SETTLEMENT CLASS MEMBER CONFIDENTIAL INFORMATION.

(a) Settlement Class Member Confidential Information shall be used solely for purposes of administering the Settlement in this Action, including sending the notice of settlement to class members and calculating settlement payments pursuant to the Plan of Allocation, and shall not be used for any other purpose.

(b) The Settlement Administrator, JND Legal Administration, shall execute an agreement in the form attached hereto as **Exhibit A** prior to its receipt of any Settlement Class Member Confidential Information and shall agree to be bound by this Protective Order and to be subject to the jurisdiction of this court for the purposes of enforcement. The Settlement Administrator shall not provide the Settlement Class Member Confidential Information to any other person unless (1) the Parties in this Action have both consented in writing and (2) this person executes an agreement in the form attached hereto as Exhibit A prior to the receipt of any Settlement Class Member Confidential Information and agrees to be bound by this Protective Order and subject to the jurisdiction of this court for the purposes of enforcement.

3. DISPOSITION OF MATERIALS AFTER ADMINISTRATION OF SETTLEMENT.

To the extent that Class Counsel has received or may receive Settlement Class Member Confidential Information, then within sixty (60) days after the Settlement becomes Final Class Counsel shall destroy or return to Defendants' counsel any Settlement Class Member Confidential Information they may have received.

¹ All capitalized terms not otherwise defined in this Order shall have the same meaning as ascribed to them in the Settlement Agreement at ECF No. 29-3.

4. RETENTION OF JURISDICTION.

The court shall retain jurisdiction over all persons to be bound by the terms of this Protective Order, during the pendency of this action and for such time thereafter as is needed to carry out its terms.

Dated: April 20, 2021

/s/ John M. Gallagher
The Honorable John M. Gallagher
United States District Court Judge

* The Court retains the right to allow disclosure of any subject covered by this stipulation or to modify this stipulation at any time as required in the interest of justice.